IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 1975 OF 2007
(Smt. Sugandha Shankarrao Nandanwar .v. The Hon'ble Cooperative Appellate Court, Nagpur and others)

Office Notes, Office Memoranda of Coram appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders

Shri S.A. Gordey, Advocate for the petitioner.
Shri S.S. Ghate, Advocate for the respondent No.2.

CORAM : R.V. MORE, J.
12TH DECEMBER, 2007

Heard the learned Counsel appearing on behalf of the respective parties.

The petitioner was working as a Manager with the respondent No.2/Cooperative Society. The services of the petitioner came to be terminated by the respondent No.2/Cooperative Society by an order dated 18th January, 2007. The petitioner has filed Dispute No. 151/2007 before the learned Cooperative Court at Nagpur for declaration that the order of termination of her services is illegal, null and void.

The petitioner also filed an application at Exh. 5 for grant of stay to the effect, implementation and operation of termination order dated 18th January, 2007. The learned trial Court i.e. Cooperative Court, by its order dated 14.02.2007, rejected the application filed by

the petitioner for temporary injunction.

The petitioner being aggrieved by the aforesaid order, preferred an Appeal No.20 of 2007 before the learned Cooperative Appellate Court at Nagpur. During the pendency of the appeal, the petitioner filed an application at Exh.18 for stay of the termination order, which came to be rejected by an order impugned in this petition.

The services of the petitioner came to be terminated as far as back on 18th January, 2007. It is well settled that the termination order cannot be stayed. Grant of stay to the termination order will amount to allowing the petitioner's dispute finally at the interim stage. In view of this, I find no error in the concurrent finding of the lower Courts below which requires interference in my jurisdiction under Article 227 of the Constitution of India. The petition is, therefore, dismissed with no order as to costs.

However, in the interest of justice, the hearing of the Dispute No.151/2007 is expedited and the learned Cooperative Court at Nagpur is directed to hear and dispose of the same within a period of one year from the date of receipt of this order.

Needless to mention that the learned trial Court will dispose of the dispute filed by the petitioner

independently on its own merit and without being influenced by this order or the order impugned in the petition.

JUDGE

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